

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

November 28, 2001

IN RE:

PETITION OF ATM/DISCOUNT
COMMUNICATIONS, INC. FOR
ARBITRATION WITH BELL SOUTH
TELECOMMUNICATIONS, INC.

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DOCKET NO.
01-00302

ORDER ACCEPTING WITHDRAWAL OF PETITION FOR ARBITRATION

This docket came before the Tennessee Regulatory Authority ("Authority") at a regularly scheduled Authority Conference held on October 23, 2001 to consider the *Withdrawal of Petition for Arbitration* filed by ATM/Discount Communications, Inc. ("ATM") on October 2, 2001.¹

On April 3, 2001, ATM filed a *Petition for Arbitration* requesting the Authority arbitrate unresolved issues related to the interconnection agreement between ATM and BellSouth Telecommunications, Inc. ("BellSouth"). On April 27, 2001, BellSouth filed a *Motion to Dismiss and Answer of BellSouth Telecommunications, Inc.* ATM filed its *Response to Motion to Dismiss* on June 22, 2001.

The Authority considered the above listed filings and took comments from the parties at the June 26, 2001 Authority Conference. During the discussion, ATM acknowledged that it had not filed a surety bond pursuant to Tenn. Code Ann. § 65-4-125(j) or a petition for approval of the merger or transfer pursuant to either Tenn. Code Ann. §§ 65-4-112 or 65-4-113. Thereafter, the Directors voted unanimously to accept the arbitration, appoint themselves as Arbitrators and appoint

¹ ATM is the merged entity of Discount Communications and Air Time Management, Inc. The merger of these two entities was not submitted to the Authority for approval.


General Counsel or his designee as the Pre-Arbitration Officer all contingent upon ATM filing a surety bond with the Authority and upon petitioning for and obtaining Authority approval of the merger or transfer. Additionally, ATM agreed to BellSouth's request that BellSouth receive copies of all documents filed in relation to the merger or transfer approval.

ATM filed its surety bond on June 29, 2001 and a *Petition to Transfer Authority* on August 15, 2001.² Prior to any further action being taken in this docket, ATM filed a *Withdrawal of Petition for Arbitration* on October 2, 2001.

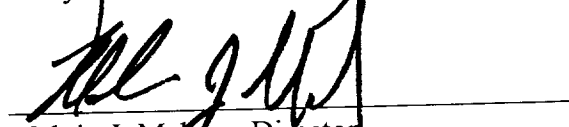
During the October 23, 2001 Authority Conference, the Directors noted that ATM filed the *Withdrawal of Petition for Arbitration* voluntarily. Thereafter, the Directors unanimously voted to accept the withdrawal.

IT IS THEREFORE ORDERED THAT:

The *Withdrawal of Petition for Arbitration* filed by ATM/Discount Communications, Inc. on October 2, 2001 is accepted.


Sara Kyle, Chairman


H. Lynn Greer, Jr., Director


Melvin J. Malone, Director

ATTEST:


K. David Waddell, Executive Secretary

² The Executive Secretary's Office assigned this filing Docket No. 01-00710.